



**Town of Arlington**  
**Department of Health and Human Services**  
**Office of the Board of Health**

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**Board of Health Meeting Minutes**  
**Wednesday, May 24, 2017**  
**BOH Conference Room**  
**Arlington Senior Center**  
**5:30pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Dr. Kevin Fallon, Mr. Kenneth Kohlberg

Staff in Attendance: Christine Bongiorno, Director; Natasha Waden, Health Compliance Officer; Kylee Sullivan, Health Compliance Officer; and Charlotte Gray, Public Health Associate.

Others in Attendance: Joseph Lekach, Massachusetts Patient Foundation; Valerio Romano, VGR Law Firm; Emily Allen Deldon, Nancy Lowe, Michele Vitti, Amy Smift, Carol Saunders Chamberlain, Sarah Conn

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

**Meeting called to order by Dr. Marie Walsh Condon at 5:30 pm.**

A motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon to accept the March 8, 2017 and April 12, 2017 meeting minutes as amended.

Vote: 3 – 0 (Unanimously) in favor of the motion

**Hearing: Keeping of Hens – 9 Windermere Park**

Inspector Sullivan informed the Board of Emily and Nicholas Deldon's application to keep hens on their property at 9 Windermere Park. She noted the plans submitted with the application were extremely thorough and are compliant with the hen keeping bylaw. Ms. Sullivan informed the Board that all abutters were notified by the applicants of their intent to keep hens. One neighbor had initially raised concerns regarding the close proximity of the coop, however further discussions between the applicant and neighbor have alleviated those concerns. Ms. Sullivan informed the Board that a site walk was conducted on May 18<sup>th</sup> and the proposed location does not violate the six feet minimum distance from all property lines as stated in the bylaws.

Ms. Deldon addressed the Board and informed them that much thought and research had gone into the application process. She further stated she appreciated the application process because it allowed for great thought in

deciding on breeds, coop size, nest box locations, maintenance, etc. She stated their family is excited and ready to go.

**A Motion** was made by Dr. Kevin Fallon, which was seconded by Mr. Kenneth Kohlberg, to approve the application for keeping of hens at 9 Windermere Park, conditional upon the final site inspection, and proof of vaccinations to be provided to the Health Department.

**Vote:** Motion Approved 3 – 0 (Unanimously)

#### **Hearing Continued: Permit to Operate a Registered Marijuana Dispensary – 11 Water Street**

Inspector Waden recapped discussions of the previous meeting and informed the Board that the Arlington Police Department had the opportunity to review the security plan which was submitted and had no objections. They did state, however, that they reserve the right to inspect the facility and make recommendations/requirements once the build-out is complete if any additional security measures are required.

Inspector Waden re-introduced Joseph Lekach of Massachusetts Patient Foundation (MPF) and Valerio Romano of VGR Law Firm. Ms. Waden stated she did have some additional questions of the representatives regarding:

- The Patient Information Manual
- Policies on employee training
- Dispensing to those who have hardship cultivation permit and how to coordinate to confirm that they have a local permit
- On-site consumption, for training purposes, which Inspector Waden requested be redacted or removed if possible.
- Marijuana infused products, specifically regarding labeling of products

Joseph Lekach and Valerio Romano addressed Inspector Waden's concerns and stated the Patient Information Manual will have all the information requested, and will be available shortly. Regarding dispensing to those who have hardship cultivation they are aware that a local Health Permit is required, and further stated they will not be selling seeds at this location. They emphasized all local and state laws will be followed. They stated they are not opposed to removing the clause regarding on-site consumption for training purposes and will strike it from the application. They will further provide a list of all products with all ingredients to the Board of Health. As new products become available they will forward the packaging and ingredient labels to the Health Department.

Dr. Fallon had a question regarding the plan if capacity has been reached in the establishment, to avoid people congregating in halls while waiting for their appointment. Dr. Fallon stated that he was informed that in the Salem dispensary, if there are large groups of people waiting in the queue, individuals sign in and are instructed to wait in their vehicles, and are called on their cell phones when it is their turn.

Mr. Lekach stated that with more Dispensaries opening up in Massachusetts, and delivery services available, he does not anticipate this to be a problem at the Arlington location. He further stated that they would be happy to look into options for solutions in case the establishment does reach capacity. Upon further discussions, and a

public comment made by Resident Nancy Lowe, regarding parking space shortages in that particular area, Mr. Lekach thought it would be a good idea, and feasible, to post current wait times on their website, similar to Urgent Care Facilities, or the DMV, who currently post wait times to better serve the community.

Dr. Walsh Condon, as a licensed physician, emphasized her concern about medical advice being provided by non-medical employees regarding dosage and best method of ingestion in relation to various medical conditions. She further stated she cannot and will not support any application that allows medical advice to be provided by non-medical personnel.

Joseph Lekach and Valerio Romano heard her concern, and stated they will work to find an acceptable solution.

The Board decided to continue the hearing to the June 21<sup>st</sup> meeting to give MPF time to complete the Patient Information Manual and address Dr. Walsh Condon's concerns.

**Discussion: Amendments to Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products:**

Inspector Waden stated that at the October 2014 meeting the Board discussed language regarding the number of permits allowed in Arlington for the sale of tobacco and nicotine delivery products. She further informed the Board that currently there are 2 applicants on a wait list for a permit. Upon discussion, Inspector Waden will draft language, in consultation from D.J. Sullivan, to amend the regulations restricting the sale of tobacco and nicotine delivery products to amend the number of permits allowable within Arlington. This will be available for review in early fall.

**Correspondence Received:**

The Sierra club has prepared a Board of Health sign-on letter to Governor Baker to stop the development of fracked gas infrastructure in Massachusetts. A copy of the letter was submitted to the Board for review. Several calls in support of the Arlington Board of Health signing onto the letter have been received.

Michele Vitti and Carol Saunders Chamberlain who work with Mothers Out Front which is a local energy working group, addressed the Board. They informed the Board of the many dangers and public health hazards affiliated with leaked gas. They stated that new pipelines are being planned, and high pressure compressor stations are extremely bad for one's health. They stated that these high pressure compressor stations have "blow down" which causes a release of chemicals and gas including particulate matter, benzene, formaldehyde and nitrogen oxide. These chemicals can cause an increase in asthma and respiratory problems, leukemia, and diabetes. They referenced research from Dr. Curtis Nordgaard, MD msc Resident Pediatrician at Boston Children's Hospital/Boston Medical Center who states benzene levels have been measured near compressor stations that far exceed cancer-causing thresholds, formaldehyde levels can exceed cancer-causing thresholds up to a half mile away from compressor stations. Others in attendance spoke in favor of the Board's support to sign onto the letter.

**A Motion** was made by Dr. Kevin Fallon, which was seconded by Mr. Kenneth Kohlberg to support the request for the Arlington Board of Health to sign onto the letter to Governor Baker opposing the development of fracked gas infrastructure in Massachusetts.

Vote: 3-0 in favor of the motion (Unanimous)

### **Department Updates:**

Director Bongiorno informed the Board that Town Meeting approved the budget allowing the Director of Public Health position to be reinstated after 10 years. She further informed the Board that Patti Sawtelle will be leaving the department effective July 1, 2017 and will be joining the I.T Department.

Director Bongiorno inquired if any members of the Board would like to participate on the interview committee along with herself, Caryn Malloy, Director of Human Resources, Jim Feeney, Assistant Town Manager, and a community member. She stated the position will officially be posted tomorrow, May 25<sup>th</sup>, interviews to take place in mid June, and they hope to have the successful candidate start by July 1, 2017.

Director Bongiorno informed the Board that moving forward, Board of Health Meeting Packets will be posted electronically on line, and the Department is looking into the possibility of providing tablets for the Board Members to use at the meetings. Confidential information will be redacted from the publically posted meeting packets.

### **Environmental Updates:**

- Inspector Waden informed the Board that 2 meetings were held with Arlington Center businesses, and property owners to discuss a community effort to reduce rodent activity in the Arlington Center and Broadway Plaza area.
- Pools and Beaches are in the process of being permitted for the summer season.
- Inspector Waden and Sullivan are in the process of drafting dumpster regulations, and are monitoring conditions several times per week.

### **Restaurant Updates**

- Caffè Nero is now open
- Elton's Roast Beef is closed (no information available at this time)
- Mamadous is opening soon
- Twyrl has submitted a plan review for Broadway Plaza location
- Jimmy's Steer House is changing ownership, and will not be applying for a variance

### **Public Health Nurse Updates**

- Director Bongiorno informed the Board that she is happy to announce that Jessica Kerr has been hired as the new Public Health Nurse, and started as of today.
- A mumps case was reported from a URI student who returned to Arlington for the summer.

### **Public Comment - None**

**Meeting was adjourned at 7:17 pm.**